

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-CV-11417-RCL

CHRISTOPHER C. BITTNER and CAROL
BITTNER,

Plaintiffs

v.

FRANK WILLIAMS, THEODORE A.
SAULNIER, In His Capacity as CHIEF OF
THE TISBURY POLICE DEPARTMENT, and
THE TOWN OF TISBURY,

Defendants

JOINT MOTION TO
CONTINUE FEBRUARY 9, 2006
PRE-TRIAL CONFERENCE

Now come the parties and respectfully request that the Court continue the pre-trial conference scheduled in the above matter for February 9, 2006 to March, 2007 or such other date as the Court deems appropriate. As grounds for this motion, the parties state that they have contemporaneously filed a Motion to Modify the Scheduling Order pursuant to Local Rule 16.1(G) to provide them additional time to finish discovery and allow the defendants to file motions pursuant to Fed.R.Civ.P.56, should defendants determine that there is a reasonable basis for such motions. The parties wish to continue the pre-trial conference to a date consistent with the proposed schedule in the Joint Motion to Modify the Scheduling Order. The parties further rely upon the within Memorandum of Reasons.

MEMORANDUM OF REASONS

The parties have not filed any previous motions seeking modifications of dates in the scheduling order. Counsel for both parties have had heavy litigation schedules during the past year. Although the parties have exchanged and responded to written discovery, they require additional time to complete discovery and prepare motions for summary judgment. In order to

do so, the parties have filed a Joint Motion to Modify the Scheduling Order to permit them more time to complete discovery and file motions pursuant to Fed.R.Civ.P.56. The parties further request, in the interests of preservation of judicial resources as well as those of the parties, that the pre-trial conference be continued to a date following the filing of any summary judgment motions pursuant to Fed.R.Civ.56, which the parties have proposed to file by January 1, 2007.

WHEREFORE, the parties respectfully request that the Court grant their motion and continue the pre-trial conference to March, 2007 or such other date as the Court deems appropriate.

PLAINTIFFS,

By their attorney,

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DEFENDANTS,

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